REMARKS/ARGUMENTS

The Office Action dated 8/27/2004 objected to the disclosure paragraph [0032]. Applicants have addressed the objection as reflected in the amendment to the subject paragraph as shown in the amendments to the specification.

The Office Action rejected claims 1-2 and 6 under 35 U.S.C. 102(b) as being anticipated by any one of United States Patents 3,135,289 to Jordan, 3,283,862 to Warnock, 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge. The Office Action rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over United States Patent 3,135,289 to Jordan in view of United States Patent 3,139,109 to Ruchser. The Office Action rejected claims 5 and 7 under 35 U.S.C. 102(b) as being anticipated by any one of United States Patents 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge, alleging that diaphragms of the respective United States patents are read as a pressure sensor. The Office Action objected to claims 8 and 9 as being dependent upon rejected base claim 6, but indicated that they would be allowable if rewritten in independent form including the limitations of base claim 6 and any intervening claim. The Office Action allowed claims 10-13.

Applicants gratefully acknowledge the allowance of claims 10-13. Applicants have, however, presented amendments to claim 10 to address certain internally inconsistent language respecting the recited valves. Applicants do not believe the amendments will be met with any objection but nonetheless respectfully request reexamination of claims 10-13 in view of the amendments to claim 10.

With respect to the anticipation rejection of claims 1, 2 and 6 under 35 U.S.C 102(b), Applicants have amended claims 1 and 6 with the more specific recitations of fluid trim and fluid blocking valves. None of United States Patents 3,135,289 to Jordan, 3,283,862 to Warnock, 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge disclose fluid trim and fluid blocking valves as now claimed in amended claims 1 and 6. It is well settled that a prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the

claim. "[A]bsence from the reference of any claimed element negates anticipation." ***Row v. Dror***, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting ***Kloster Speedsteel AB v. Crucible, Inc.***, 230 USPQ 81, 84 (Fed. Cir. 1986)). For this reason, amended claims 1 and 6 fail to be anticipated by any of United States Patents 3,135,289 to Jordan, 3,283,862 to Warnock, 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge. Claim 2 depends from amended claim 1 and therefore contains all limitations thereof. Therefore, claim 2 is similarly not anticipated by any of United States Patents 3,135,289 to Jordan, 3,283,862 to Warnock, 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge. Applicants therefore respectfully request withdrawal of the rejections of claims 1, 2 and 6 in view of the amendments to claims 1 and 6 and the corresponding remarks.

With respect to claims 8 and 9 indicated as allowable, applicants believe that the amendment to base claim 6 has removed the underlying reason for the requirement of rewriting claims 8 and 9 in independent form. Applicants respectfully request that claims 8 and 9 be reexamined in view of the amendment to claim 6 and the remarks contained herein above.

With respect to the anticipation rejection of claims 5 and 7 under 35 U.S.C 102(b), claims 5 and 7 depend from amended base claims 1 and 6, respectively, and therefore contain all limitations of their respective base claims. Therefore, for the reasons discussed herein above, claims 5 and 7 fail to be anticipated by any of United States Patents 3,018,794 to Hoge, 2,970,611 to Hoge, 2,909,193 to Hoge or 2,878,832 to Hoge. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.* ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Furthermore, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. ***Scripps Clinic & Research Found. v. Genentech Inc.***, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). The diaphragms alleged as a pressure sensor simply fail to provide adequate apparatus structure or functionality to

operate as a pressure sensor for sensing fluid pressure within the chamber of the present invention as recited in the claims of the present invention. The apparatus and functionality of the Hoge patents as relates to the asserted reading of the diaphragm as a pressure sensor fails to provide the arrangement as claimed and in fact is significantly different than the claimed invention. Therefore, applicants respectfully request withdrawal of the rejections of claims 5 and 7 in view of the amendments to claims 1 and 6 and the preceding remarks.

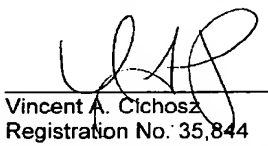
With respect to the obviousness rejection of claim 4 under 35 U.S.C 103(a), claim 4 has been canceled as superfluous in view of the amendment of claim 1. With respect to the obviousness rejection of claim 3 under 35 U.S.C 103(a), it is well settled that the initial burden is on the Patent Office to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. ***Ex parte Clapp***, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Neither of these burdens has been met by the present Office Action and hence the Office Action has failed to establish a prima facie case of obviousness. Furthermore, claim 3 depends from amended claim 1 and therefore now contains all limitations of amended claim 1. Furthermore, claim 3 has also been amended to recite fluid trim and blocking valves for proper antecedent support and continues to recite the additional spool valve limitations to the fluid trim and blocking valve limitations of amended claim 1. The Jordan patent therefore fails to disclose at least the fluid trim and fluid blocking valve limitations of amended claim 3 (as demonstrated in the prior discussions of amended claim 1) and hence is inadequate to support an obviousness rejection in combination with the spool valve disclosed in the Ruchser patent.

Based on the above, it is respectfully submitted that all non-canceled claims are in a condition for allowance, which allowance is respectfully solicited.

GMC3148

If the Examiner has any questions regarding the contents of the present response he may contact Applicants' attorney at the phone number appearing below.

Respectfully submitted,



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